THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.20690 OF 2006

ORAL ORDER:

This writ petition is filed seeking a declaration that the inaction on the part of the 1st respondent in granting interim custody of the vehicle bearing No.AP 04U 2421, pending disposal of the appeal on his file is arbitrary and illegal.

The material on record shows that by order dated 20.5.2006, the 2nd respondent-Deputy Commissioner of Prohibition and Excise, ordered confiscation of the vehicle in question in exercise of the powers under Section 46 of the A.P. Excise Act, 1968. The petitioner states that aggrieved by the same, he preferred an appeal before the 1st respondent. Though the 1st respondent entertained the appeal, his request for interim custody has not been considered. Hence, this writ petition.

Having heard the learned counsel for the petitioner as well as the learned counsel for the respondents, and keeping in view that the statutory appeal is pending, I deem it appropriate to dispose of the writ petition with a direction to the respondents to release the vehicle in question, pending appeal on the file of the 1st respondent, subject to the condition that the petitioner furnishes bank guarantee as per the valuation certificate dated 14.3.2006 given by the Motor Vehicle Inspector, Hindupur, to the satisfaction of the 2nd respondent. No costs.

(G. ROHINI, J.)

29th September, 2006.
Issue CC in three days.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.20690 OF 2006

29th September, 2006.

Between:

T. Krishna Murthy. .. Petitioner.

And

The Commissioner, Prohibition & Excise,
Andhra Pradesh, Hyderabad and others. .. Respondents.